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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,794	06/20/2003	Herbert Richter	RI 183	9687

7590 09/15/2004

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EXAMINER

WOOD, KIMBERLY T

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/600,794

Applicant(s)

RICHTER, HERBERT

Examiner

Kimberly T. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

This is an office action for serial number 10/600,794, entitled Article Support System, filed on June 20, 2003.

***Specification***

The abstract of the disclosure is objected to because means and said should be deleted from the abstract. Correction is required. See MPEP § 608.01(b).

***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show rod "4" (page 3, line 33), surface "8" (page 4, line 8), coil spring "7" (page 4, line 9) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary,

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the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "engagement claws" in line 14. There is insufficient antecedent basis for this limitation in the claim.

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Claim 4 recites the limitation "operating rod" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "operating rod" in line 2, 3, and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "housing lease" in line 4. There is insufficient antecedent basis for this limitation in the claim.

The claims 1-6 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The claim is so replete with indefinite phrases that it is difficult to ascertain the meets and bounds of the claim. For example the limitations, "housing including at its end opposite said base (20) an article support plate (13) with engagement means (15) for selectively engaging one of an article provided with means permitting its engagement by said engagement means (15) and an adapter plate provided at one side with means permitting engagement thereof by said engagement claws and, on the other side, with means for engaging an article, and said system further including a mounting plate (21) provided at one

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side with means for its connection to a support surface and having at the other side a smooth surface for selectively mounting said device thereon by said suction disc (2) and a clamp support plate (22) engaging said rim (25) of said base (20) for mechanically engaging said base (20), and also with means for mounting said clamp support plate (22) to a support surface" are indefinite since the examiner can not determine whether the adaptor plate is on the article or on the support plate or on what side of the article or the support plate includes the means for connection or the smooth surface.

The claims have been rejected under 35 U.S.C. 112 for the above reasons. Please note that the Examiner may not have pointed out each and every example of indefiniteness. The applicant is required to review all the claim language to make sure the claimed invention is clear and definite.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 3 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for housing base being supported on the clamping support plate, does not

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reasonably provide enablement for the housing base being rotatably supported on the clamping support plate. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make/use the invention commensurate in scope with these claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh 6,234,435 in view of Richter 5,740,995 (Richter "995") in further view of Richter 5,996,950 (Richter "950"). Yeh discloses a base (10) with a cavity (where 21 is located), a rim (near 20), a suction disc (20), a operating element (21), an operating means (24), an article support plate (30), cams (25). Yeh discloses all of the limitations of the claimed invention except for the an adaptor plate, and article support plate engagement means being

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engagement claws, and a clamp support plate with means for mounting. Richter "995" discloses a support plate (16) comprising an engagement means being engagement claws (18), an adapter plate (figure 5) comprising means permitting engagement (32). It would have been obvious to one having ordinary skill in the art to have modified Yeh to have included the engagement claws and the adapter plate as taught by Richter "995" for the purpose of attaching various objects. Richter "950" discloses a clamp support plate (Figure 3a) with means for mounting (15) to a support surface. It would have been obvious to one having ordinary skill in the art to have modified Yeh in view of Richter "995" to have included the clamp support for the purpose of providing a means of attaching the suction cup support system to almost any surface.

Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh 6,234,435 in view of Richter 5,740,995 (Richter "995") in further view of Richter 5,996,950 (Richter "950") in further view of Minelli et al. (Minelli) 6,663,064. Yeh in view of Richter "995" in view of Richter "950" discloses all of the limitations of the claimed invention except for the support plate being pivotally supported on the housing. Minelli teaches that it is known to have a support plate pivotally supported on a housing (Figures 1 and 2). It would have been



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obvious to one having ordinary skill in the art to have modified Yeh in view of Richter "995" in view of Richter "950 to have included the support plate being pivotally supported as taught by Minelli for the purpose of providing of facilitating movement of support plate to adjust to various angles.

***Allowable Subject Matter***

Claims 4, 5, and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art does not disclose a compression spring is disposed in said housing behind said operating rod so as to bias the operating rod and together therewith, the suction disc outwardly from said base and into contact with a surface when the housing is disposed on a surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses support system suction cups.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0538. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

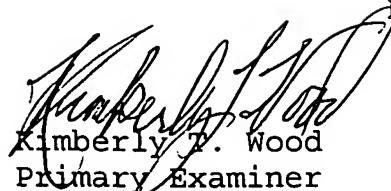
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kimberly T. Wood  
Primary Examiner  
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September 8, 2004